

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

UNITED STATES OF AMERICA,)	
)	
v.)	No. 3:10-CR-162
)	(Phillips)
JAMES WILLIAM MIZE,)	

ORDER

This matter is before the Court on Defendant's Motion to Continue the Trial [Doc. 15], which is presently set for February 9, 2011. In support of the motion, counsel for Defendant states that additional time is needed to prepare the case for trial.

In light of Defendant's need for additional time to prepare this case for trial, his Motion to Continue the Trial [Doc. 15] is **GRANTED**, whereby the trial of this matter is continued to commence on **APRIL 20, 2011, at 9:00 a.m.** In granting Defendant's motion, the Court finds that failure to grant the requested continuance would unreasonably deny counsel for Defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). In addition, failure to grant the requested continuance could result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(B)(i). It is the finding of the Court, therefore, that the ends of justice served by the granting of such continuance outweigh the best interests of the public and the Defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The period of time between the Defendant's motion for a continuance and the trial of this case shall be fully excludable for Speedy Trial purposes. 18 U.S.C. § 3161(h)(7)(A) and (B).

In light of Defendant's need for additional time to prepare this case for trial, his

Motion to Continue [Doc. 15] is **GRANTED**, whereby the trial of this matter is continued to commence on **APRIL 20, 2011, at 9:00 a.m.** All deadlines contained in the Scheduling Order previously entered in this case shall be adjusted to correspond to the new trial date.

IT IS SO ORDERED.

ENTER:

s/ Thomas W. Phillips
United States District Judge